

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

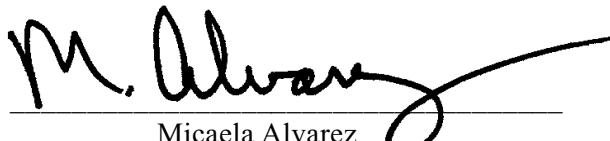
UNITED STATES OF AMERICA, §  
Respondent, §  
§  
v. § CRIMINAL NO. 5:03-cr-01846  
§ CIVIL NO. 5:04-cv-00175  
§  
MICHAEL ANTHONY DYKES §  
Petitioner. §  
§

**ORDER**

Pending before the Court is a Motion to Amend Petitioner's 28 U.S.C. § 2255 Motion to Correct Sentence. A pleading may be amended "once as a matter of course at any time before a responsive pleading is served." FED. R. CIV. P. 15(a). *See, e.g., United States v. Saenz*, 282 F.3d 354 (5th Cir. 2002); *Shipner v. Eastern Airlines, Inc.*, 868 F.2d 401, 406-07 (5th Cir. 1989) ("unless a substantial reason exists to deny leave to amend, the discretion of the district court is not broad enough to permit denial"). Although the allegations in the amended pleading are largely the same as those in the original, because this is petitioner's first amendment to his pleading and it was submitted before the respondent filed an answer, it is hereby **GRANTED**.

IT IS SO ORDERED.

This 12<sup>th</sup> day of July, 2005.



Micaela Alvarez  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS NOTICE SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**